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ATTORNEY DOCKET NO: 63186

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: HOUH et al.
Serial No	: 09/204,102
Confirm. No	: 5040
Filed	: December 1, 1998
For	: TELECOMMUNICATION...
Art Unit	: 2735
Examiner	: K. Harper
Dated	: April 4, 2003

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

DECLARATION OF STEVEN WEEKS

I Steven Weeks hereby state as follows:

1. I am the Director of Engineering of 3COM Voice Division. 3COM Voice Division is the successor to NBX Corp., the original assignee of the above referenced application and a division of 3COM Corporation, the present assignee of the above referenced application.

2. As the Director of Engineering of 3COM Voice Division I have custody of and control over papers and documents relating to the invention of the above referenced application. The attached document has been in the possession of NBX Corp. and 3COM

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Voice Division and includes information establishing that the inventors of the above referenced application possessed the subject matter of the invention as employees of NBX Corp.

3. The attached document, dated October 9, 1998, establishes the conception of the invention of the above referenced application prior to the effective prior art date of U.S. patent 6,483,838 (prior to November 9, 1998). The filing of an application a short time after this (on December 1, 1998) establishes due diligence from prior to November 9, 1998 to the filing of a Unites States patent application directed to the subject matter.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 4-4-03

Steven Weeks

Director of Engineering of 3COM Voice Division

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PROPRIETARY

NBX Ontime Delivery Mechanism

October 9, 1998

Confidential & NBX Proprietary

This document is provided to Texas Instruments solely to allow the implementation of hardware that can allow NBX to provide the functionality described.

This document is proprietary and confidential to NBX. This document is provided subject to the terms of a non-disclosure agreement.

Apr-04-03 04:25pm From- T-876 P.02/05 F-476

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Overview

In order to ensure ontime delivery of real-time data, NBX has implement a proprietary mechanism that prevents data from being unduly postponed. This mechanism is described in this document as well as the requirements for hardware on which this mechanism is to be implemented. Additionally, some hardware assists are described.

NBX Protocol Description

When voice data is to be transmitted for ontime delivery, packets are constructed by concatenating consecutive PCM samples for a short period of time. (current implementation - 24ms) into a structure. When a data block has been fully collected, protocol information elements are added to form a frame and this frame is queued for transmission in a high level buffer. The high level buffer is, at some point, passed to hardware for transmission as an Ethernet packet. After the Ethernet packet is queued for transmission in hardware, NBX's proprietary protocol begins.

Coincident with hardware queuing of data, a timer is begun which will measure a period of time that is a small fraction of the time represented by the data collection period (current implementation - 2ms.) If the Ethernet packet is transmitted prior to the timer expiration, there is no further action taken by the NBX protocol.

Should the timer expire prior to the transmission of the Ethernet packet, the NBX protocol will cancel the transmission. A new data packet is constructed that contains the previously collected voice data elements, certain previously recorded protocol elements as well as additional information that the protocol needs to transmit due to the delay. The newly constructed Ethernet packet is then handed to hardware for transmission and this new transmission, due to the 802.3 specification, is queued without the back-off level incurred by the previously attempted Ethernet packet. Coincident with the hardware queuing of the Ethernet packet, a timer is started to measure a period of time that the protocol is willing to wait for the new Ethernet packet to be transmitted (current implementation - 2ms.) This process of updating the data is repeated for a maximum number of times, if the voice data is not transmitted within the maximum number of times, it is discarded and the next block of voice data is removed from the higher level queue for transmission (current implementation - fixed maximum, 12 retries.)

Hardware Requirements

The hardware must support:

1) Halting a transmission that has been queued.
2) Halting transmissions can not effect the reception of data

Hardware Feature Requests

The following features are desirable to enhance the NBX proprietary protocol:

3) Halt transmission command does not effect transmission in progress.
4) Transmission in progress indication
5) Hardware timers that are cancelled by Ethernet transmission
6) Hardware timers that interrupt through the Ethernet vector
7) Ability to edit Ethernet frames that have already been queued

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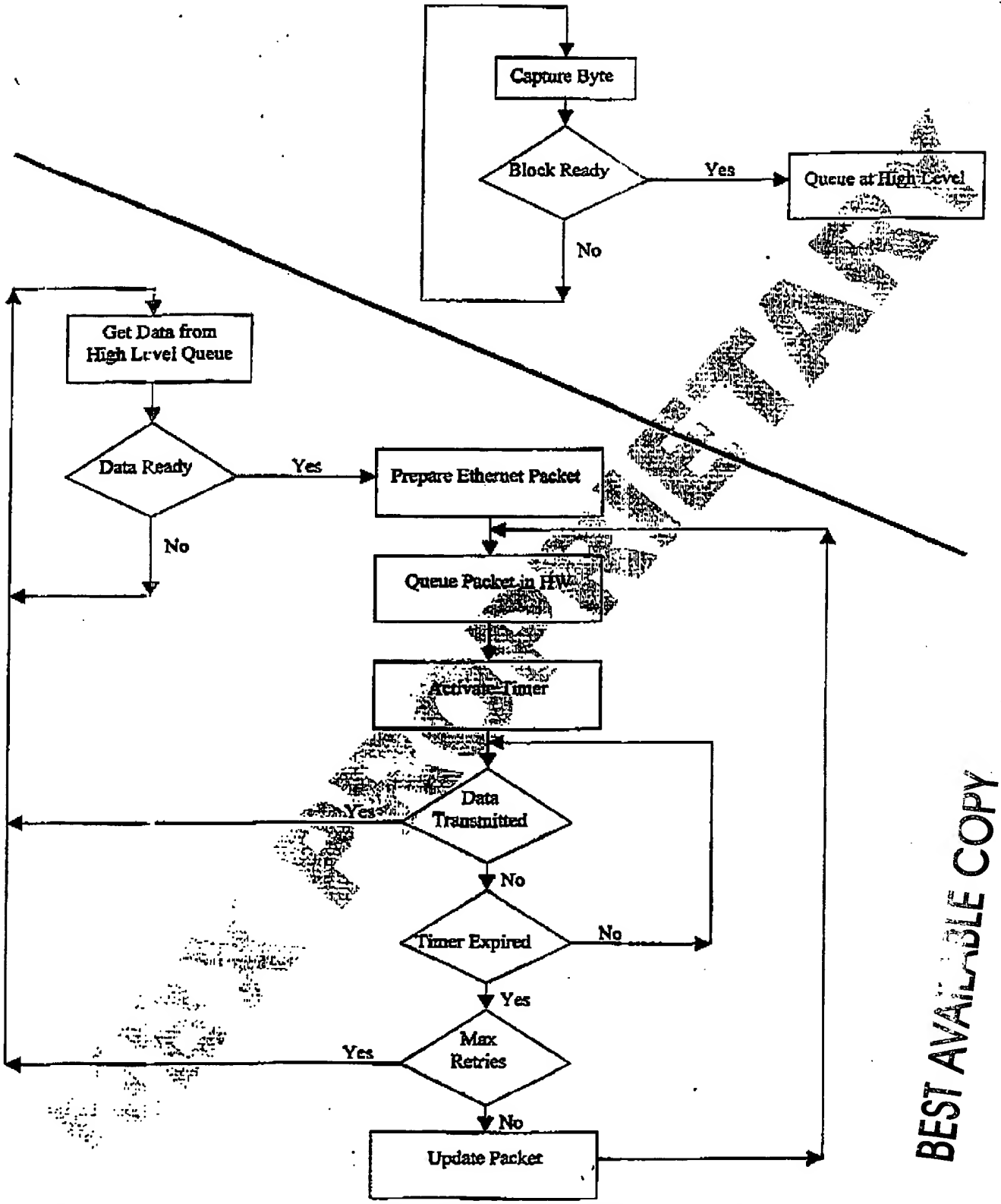

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Dated	: April 7, 2003

Hon. Commissioner of Patents
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Washington, D.C. 20231

PETITION UNDER 37 CFR 1.136 (a)

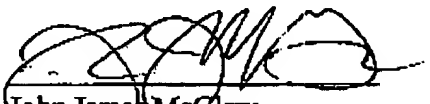
Sir:

The Office Action dated December 5, 2002 provided for a shortened statutory period for response of three months.

The shortened statutory period expired March 5, 2003.

Since the attached response is being filed within the first month pursuant to 37 CFR 1.136(a) Examiner is respectfully requested to charge attorney's deposit account no. 13-0410 the appropriate petition fee of $110.00 (fee code 1251).

Respectfully submitted
for Applicant(s),

By: 
John James McGlew
Reg. No.: 31,903
For: McGLEW AND TUTTLE, P.C.

JJM:tf
63186.15

DATED: April 7, 2003
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

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